IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

WRIT PETITION No. 1994 OF 2004

PETITIONER

Yogesh Kumar Lunia, aged about 27 years, S/o Milapchand Lunia, resident of Amapara, Dhamtari, District Dhamtari (Chhattisgarh)

Versus

RESPONDENTS

1. State of Chhattisgarh through the Secretary Department of Revenue, D. K .S. Bhawan, Mantralaya,Raipur (Chhattisgarh)
2. The Collector, Dhamtari, District Dhamtari (Chhattisgarh)
3. Sub Divisional Officer (Revenue), Dhamtari, District Dhamtari (Chhattisgarh)
4. Tehsildar, Dhamtari, District Dhamtari (Chhattisgarh)
5. Chhattisgarh Public Service Commission through its Secretary, Raipur (Chhattisgarh)

P. R. No. 20/6/04 Presented by Shri S. R. Tayyabji dated 14-7-04

RECEIVED COPY 14/7/04 Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(34)

आदेश पत्रक

मामला क्रमांक WP/1994/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

23.07.2004.

Shri B.D. Guru counsel for the petitioner.

Shri U.N.S. Deo, Government Advocate for the State/ respondent Nos. 1 to 4.

Shri Y.C. Sharma, counsel for the respondent No.5.

Heard.

Learned counsel for the petitioner submitted that the petitioner had appeared in the Civil Services Preliminary Examination, 2003 conducted by the C.G. State Public Service Commission and he qualified the same. However, as per the requirement of the rules the person, who claims to be OBC, SC & ST candidate is required to furnish permanent caste certificate to appear in the final examination. In the case of the petitioner he has moved an application for grant of permanent caste certificate before the Tehsildar, Dhamtari who granted him temporary caste certificate (Annexure P-2) and thereafter, the Sub Divisional Officer, Dhamtari after conducting an enquiry refused to grant the permanent caste certificate in favour of the petitioner stating that he does not belong to OBC category. Against the said order the petitioner has made a representation before the Collector, Dhamtari and same is pending for decision and the final examination is scheduled to commence from 26.07.2004 and if the petitioner is not allowed to appear in the examination than his whole petition will become infructuous, even if the Collector decided to grant the permanent caste certificate in favour of the petitioner.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

35

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

On the other hand learned counsel for the respondents argued that as per the requirement of the rules unless a permanent caste certificate is furnished the petitioner is not entitled to appear in the final examination.

Having heard the learned counsel for the parties, having regard to the facts and circumstances of the case and having regard to fact that the temporary caste certificate (Annexure P-2) was already issued in favour of the petitioner, the respondents are directed to allow the petitioner to appear in the main examination, however, his result should be not declared until he files the permanent caste certificate.

In the meantime, the Collector, Dhamtari is directed to decide the representation of the petitioner filed against the order of the Sub Divisional Officer for grant of permanent caste certificate in accordance with law within a period of 30 days from the date of receipt of this order.

With the aforesaid directions, the petition stands disposed of.

Consequently, M.W.P. NO.1801/2004 & I.A. No.4712/2004 also stand disposed of.

Certified copy today.

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये